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STATUTORY INSTRUMENTS

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**2010 No. 60**

**The Criminal Procedure Rules 2010**

**PART 8**

**OBJECTING TO THE DISCONTINUANCE OF  
PROCEEDINGS IN A MAGISTRATES' COURT**

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**Time for objecting**

**8.1.** The period within which an accused person may give notice under section 23(7) of the Prosecution of Offences Act 1985(1) that he wants proceedings against him to continue is 35 days from the date when the proceedings were discontinued under that section.

*[Note. For the equivalent procedure in the Crown Court, see section 23A of the 1985 Act.]*

**Form of notice**

**8.2.** Notice under section 23(3), (4) or (7) of the Prosecution of Offences Act 1985(2) shall be given in writing and shall contain sufficient particulars to identify the particular offence to which it relates.

**Duty of Director of Public Prosecutions**

**8.3.** On giving notice under section 23(3) or (4) of the Prosecution of Offences Act 1985 the Director of Public Prosecutions shall inform any person who is detaining the accused person for the offence in relation to which the notice is given that he has given such notice and of the effect of the notice.

**Duty of magistrates' court**

**8.4.** On being given notice under section 23(3) of the Prosecution of Offences Act 1985 in relation to an offence for which the accused person has been granted bail by a court, a magistrates' court officer shall inform—

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(1) 1985 c. 23; section 23(7) was amended by paragraph 290 of Schedule 8 to the Courts Act 2003 (c. 39).

(2) 1985 c. 23; section 23(3) was amended by paragraph 290 of Schedule 8 to the Courts Act 2003 (c. 39).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) any sureties of the accused; and
  - (b) any persons responsible for securing the accused's compliance with any conditions of bail
- that he has been given such notice and of the effect of the notice.